

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00082-MR-WCM**

DELTA WALSH,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FORREST GILLIAM, County)	
Manager for Madison County, in his)	
individual and official capacities,)	
et al.,)	
)	
Defendants.)	
<hr/>)	

THIS MATTER is before the Court on Defendant Joshua Burchfield's Pre-Answer Motion to Dismiss Plaintiff's Second Amended Complaint [Doc. 61] and the Magistrate Judge's Memorandum and Recommendation [Doc. 65] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendant's Motion to Dismiss and to submit a recommendation for its disposition.

On November 13, 2020, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the Defendant's Motion to

Dismiss be denied. [Doc. 65]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The deadline for filing objections has now passed, and none of the parties has filed any objections to the Memorandum and Recommendation.

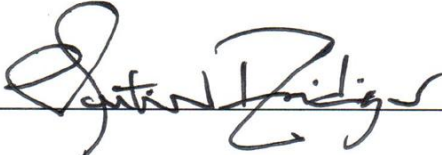
After a careful review of the Memorandum and Recommendation, the Court concludes that the Magistrate Judge's proposed conclusions of law are correct and are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendations that Defendant Burchfield's Motion to Dismiss should be denied; that this matter should be referred to the Pro Se Settlement Assistance Program; and that the remaining Defendants Gosnell and Burchfield should each file an answer to the Second Amended Complaint.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation of the Magistrate Judge [Doc. 65] is **ACCEPTED**, and Defendant Joshua Burchfield's Pre-Answer Motion to Dismiss Plaintiff's Second Amended Complaint [Doc. 61] is **DENIED**.

IT IS FURTHER ORDERED that this case is hereby **REFERRED** to the Pro Se Settlement Assistance Program, pursuant to the Plaintiff's previous opt in request.

IT IS FURTHER ORDERED that, within fourteen (14) days of the entry of this Order, both Defendants Gosnell and Burchfield shall file an answer to the remaining claims pending against them, respectively, as such claims appear in Plaintiff's Second Amended Complaint.

IT IS SO ORDERED. Signed: December 7, 2020



Martin Reidinger
Chief United States District Judge

